

**LOCAL CRIMINAL RULES OF  
PRACTICE  
FOR THE COURTS  
OF THE 52<sup>nd</sup> JUDICIAL CIRCUIT  
FLOYD COUNTY, INDIANA  
Effective: January 1, 2001**

**ORDER ADOPTING LOCAL CRIMINAL RULES OF  
PRACTICE FOR THE CIRCUIT, SUPERIOR AND COUNTY  
COURTS, 52nd JUDICIAL CIRCUIT, FLOYD COUNTY,  
INDIANA**

**IT IS HEREBY ORDERED THAT THE FOLLOWING LOCAL CRIMINAL  
RULES OF PRACTICE IN THE CIRCUIT, SUPERIOR AND COUNTY COURTS OF  
THE 52nd JUDICIAL CIRCUIT, FLOYD COUNTY, INDIANA, BE AND THE SAME  
ARE HEREBY ADOPTED, EFFECTIVE January 1, 2001.**

**SO ORDERED THIS \_\_\_\_\_ DAY OF December, 2000.**

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**J. TERRENCE CODY; JUDGE, FLOYD CIRCUIT COURT**

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**RICHARD G. STRIEGEL; JUDGE, FLOYD SUPERIOR COURT**

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**ROBERT T. HUBLAR; JUDGE, FLOYD COUNTY COURT**

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## **RULE 1**

### **APPLICABILITY OF RULES**

**A. SCOPE.** The following local criminal rules of practice and procedure shall apply to cases filed in the Circuit, Superior and County Courts of Floyd County, Indiana.

**B. EFFECTIVE DATE.** These local rules shall be effective January 1, 2001.

**C. CITATION.** These rules may be cited as Local Criminal Rule \_\_\_\_\_. The Indiana Rules of Trial Procedure are hereinafter referred to as Trial Rule \_\_\_\_\_.

**D. PURPOSE.** These rules are promulgated pursuant to, and are intended to supplement, the Indiana Criminal Rules as adopted by the Indiana Supreme Court.

## **RULE 2**

### **ADMISSION TO PRACTICE**

**A. GENERALLY.** No attorney shall be permitted to practice before the Court as an attorney, except on his own behalf when a party, unless he is a member in good standing of the Bar of the Supreme Court of Indiana.

**B. FOREIGN ATTORNEYS.** An attorney who is a member in good standing of the bar of the highest court of another state may appear as an attorney in the Court in a particular proceeding at the sole discretion of the Trial Judge so long as said attorney complies with Rule 3, Section 2, of the Indiana Rules for Admission to the Bar and the Discipline of Attorneys.

## **RULE 3**

### **APPEARANCE AND WITHDRAWAL OF APPEARANCE**

**A. INITIAL APPEARANCE.** The Prosecuting Attorney and an attorney entering an appearance for any defendant, or a defendant appearing pro se, shall file a written appearance in compliance with Criminal Rule 2.1. Forms appear in the Appendix.

**B. WITHDRAWAL OF APPEARANCE.** An attorney desiring to withdraw his appearance shall file a written motion requesting leave to do so accompanied by a notice of hearing which shall be served upon the defendant directing said person to appear at the hearing, unless incarcerated, in which event the defendant shall be produced in Court for said hearing. The motion must contain the address and phone number of the defendant.

**C. WAIVER OF RULE.** A motion for leave to withdraw an appearance accompanied by

a written appearance of successor counsel and a written consent of the defendant shall constitute a waiver of the requirements of this local rule.

## **RULE 4**

### **DUTIES OF ATTORNEYS**

### **PREPARATION OF ENTRIES**

**A. STATUS OF PROCEEDINGS.** The Prosecuting Attorney and each attorney appearing of record shall at all times keep themselves informed of the status of the proceeding and shall be particularly bound by hearing dates orally set by the Court from the bench in their presence.

**B. PREPARATION OF ENTRY.** When the Prosecuting Attorney or an attorney of record for a defendant has agreed to prepare an entry as requested by the Court, such attorney shall place on the last page of the entry appropriate signature lines indicating "prepared by" and "reviewed by" and shall submit the entry to opposing counsel for examination. Opposing counsel shall promptly examine the entry when submitted, shall sign the entry, and shall submit the entry to the Court within five [5] days of receiving same.

**C. FAILURE TO SUBMIT ENTRY.** If opposing counsel shall fail or refuse to submit the entry within five (5) days of receiving same without advising the Court as to objections thereto, the preparing attorney shall submit the entry to the Court advising the Court by letter of opposing counsel's failure or refusal and the Court shall accept the entry without opposing counsel's signature.

## **RULE 5**

### **PROOF OF SERVICE**

**A. TRIAL RULE 5 REQUIREMENTS.** Proof of service of pleadings or papers required to be served by Trial Rule 5 may be made either by:

[1] a certificate of service signed by an attorney of record which certificate shall identify by name and address the person or persons to whom service is directed; or

[2] an acknowledgment of service signed by the party served or the attorney of record if such party is represented by an attorney.

**B. SERVICE OF PROCESS.** Except for proof of service of process which may appear on computerized records, court personnel shall not be required to review court files to determine if a party has acquired service of process.

## **RULE 6**

### **FORM AND STYLE OF PLEADINGS**

### **FILING OF PLEADINGS**

**A. SIGNATURE REQUIRED.** Any pleading, motion, brief or paper not signed by an attorney admitted to practice pursuant to the terms of Local Criminal Rule 2, or a defendant who is acting pro se, shall not be accepted for filing; or, if inadvertently accepted for filing, shall upon discovery be stricken from the record by the Court upon its own motion.

**B. PAPER SIZE.** All pleadings, motions, entries, orders, judgments and other papers shall be filed on letter size [8 ½ x 11] paper.

**C. FLAT FILING.** The files of the Clerk of the Court shall be kept under the flat filing system. All pleadings presented for filing with the Clerk or the Court shall be flat and unfolded.

**D. CERTIFICATE OF SERVICE.** All certificates of service shall identify by name and address the person or persons to whom service is directed.

**E. IDENTIFICATION.** Every pleading, motion, brief, and paper filed shall clearly identify the name, office address, telephone number, and Indiana Supreme Court Attorney Number of the individual attorney or attorneys filing same, or like information from a pro se defendant.

**F. USE OF PARALEGAL.** All pleadings, motions, briefs and papers may be filed by the attorney's secretary or paralegal.

**G. ORDERS AND ENTRIES.** Except as required by Local Criminal Rule 4, all proposed orders and entries shall reflect the name of the preparer under the indication "tendered by", shall be submitted in sufficient number for each person entitled to service and shall contain a distribution list identifying by name and address each person entitled to service. The preparer shall provide sufficient pre-stamped pre-addressed envelopes to the court for mailing of the orders or entries.

**H. SCHEDULING ORDERS.** Proposed orders accompanying motions for the scheduling of matters for hearing, pre-trial conference and trial shall contain adequate space for the insertion of a time and date for a primary setting of the matter and a secondary setting, if desired.

**I. SERVICE ON SPECIAL JUDGE.** Unless otherwise directed by a special judge, after qualification by a special judge, a copy of each document filed thereafter in the proceeding shall be served on the special judge at his private office or at the Court where he regularly presides and the proof of service shall reflect such service.

# **RULE 7**

## **PRE-TRIAL CONFERENCES**

### **OMNIBUS HEARINGS**

### **ASSIGNMENT OF CASES FOR TRIAL**

**A. COURT CALENDAR.** A calendar of cases assigned for bench trial or jury trial shall be kept by the Court and the Court Reporter shall enter on the calendar at the direction of the Court, the style, cause number, and the time and date the trial is assigned to commence. In order to comply with Indiana Criminal Rule 4, the Prosecuting Attorney may submit a motion for trial date setting out the requested trial date which the Court will grant unless a congested calendar exists in which event the next available date shall be the trial date.

#### **B. PRE-TRIAL CONFERENCES AND OMNIBUS HEARINGS.**

Pre-trial Conferences. The Court, in its discretion, may require a pre-trial conference on certain cases and, sua sponte, set such cases for conference. Any party or attorney of record desirous of having a pre-trial conference for any case may file a motion requesting same accompanied by a proposed order.

Omnibus Hearings. Omnibus hearings shall be set by the Court pursuant to the Indiana Statutes. All matters required to be resolved, filed or notices given, and all time limits required to be observed, shall be complied with on or before said date as required by the Indiana Statutes.

#### **C. ATTENDANCE AT PRE-TRIAL CONFERENCE AND OMNIBUS HEARING.**

At least one attorney for each party who is a member of the Indiana Bar and who will participate in the trial shall appear at the pre-trial conference and omnibus hearing. An attorney who fails to attend a pre-trial conference or omnibus hearing shall be bound by the trial date set by the Court as well as such other matters determined at the conference or omnibus hearing.

**D. REQUESTS FOR BENCH TRIAL.** The assignment of a case for bench trial may be had by motion duly filed and accompanied by a proposed order. Said motion shall reflect an estimate of the trial time required.

# **RULE 8**

## **MOTIONS**

**A. GENERALLY.** Excepting motions made during the course of a recorded proceeding, all motions shall be in writing.

**B. PROPOSED ORDERS REQUIRED.** Proposed orders shall accompany motions or applications in the following matters:

- [1] to enlarge or shorten time
- [2] for setting of hearing, conference or trial

- [3] for continuance
- [4] for reduction of bond
- [5] for psychiatric examination for competency
- [6] to compel discovery
- [7] to withdraw appearance
- [8] of dismissal
- [9] for change of venue
- [10] for modification of sentence
- [11] for post-conviction relief
- [12] for such other orders, judgments or decrees as the Court may direct.

**C. HEARINGS REQUIRED.** Excepting motions to correct error, all motions shall be set for hearing at the time of their filing and shall be accompanied by a separate instrument requesting a hearing and an order for the setting of a hearing date.

**D. MOTION TO CORRECT ERROR.** Any party may request a hearing upon a Motion to Correct Error by filing a written request therefor by separate instrument at any time before the Court has ruled upon such motion. It shall be discretionary with the Court whether a hearing shall be held on such Motion to Correct Error.

## **RULE 9 CONTINUANCES**

**A. GENERALLY.** A motion for continuance of a hearing or trial shall be accompanied by an order which shall contain adequate space for insertion of a new time and date for re-scheduling purposes.

**B. CONTENT OF MOTION.** A motion for continuance shall set forth the scheduled date, the reason for continuance, the specific length of time the moving party desires the cause to be delayed, and reference as to whether opposing counsel agrees or disagrees to a continuance of the scheduled hearing or trial.

**C. TIMING OF MOTION.** No continuance shall be granted at the request of a party unless a written motion for same is filed not less than ten [10] days prior to the scheduled hearing or trial, unless it is made to appear by affidavit that the facts which are the basis of the motion did not then exist or were not then known by the moving party.

## **RULE 10 FINDINGS OF FACT**

In all cases where findings of fact by the Court are requested or required, counsel of



record shall submit to the Court proposed findings setting forth all facts claimed to have been established and the conclusions of law thereon. Such form of findings shall be submitted to the Court within such time as directed by the Court.

## **RULE 11 DISCOVERY**

**A. USE OF FORM DISCOVERY.** No "form" discovery shall be served upon a party unless all discovery requests on such forms are consecutively numbered and applicable to the case in which the same are utilized. The intent and purpose of this rule is to prohibit the use of form discovery unless applicable to the case at bar or where the nature of the case or the number of the parties makes the use of such forms necessary and appropriate.

## **RULE 12 PUBLICATION OF DEPOSITIONS**

The seal on depositions shall be broken and the deposition deemed published upon filing with the Court. When depositions are utilized, specific reference by page and line or question number to those places in such deposition which purport to demonstrate the presence or absence of material fact shall be provided.

## **RULE 13 SUBPOENAS**

The Clerk shall issue a subpoena, or a subpoena for the production of documentary evidence, signed and sealed but otherwise in blank, to a party requesting it or his or her attorney, who shall fill it in before service. An attorney admitted to practice law in this state, as an officer of the court, may also issue and sign such subpoena on behalf of (a) a court in which the attorney has appeared for a party; or (b) a court in which a deposition or production is compelled by the subpoena, if the deposition or production pertains to an action pending in a court where the attorney has appeared for a party in that case.

## **RULE 14 BONDS AND BOND SCHEDULES**

**A. BOND SCHEDULE.** During regular court hours the judge of each court, or magistrate on cases assigned to him in each court, shall determine the bond on all cases filed in

that court. The judges of the various courts may, in their discretion, institute and adopt bond schedules. These bond schedules are for the convenience of the court's and sheriff's offices for use after regular court hours. The sheriff's office may assign bonds for any individual arrested based on the nature of the charge per the schedule.

**B. EXCEPTIONS.** The bond may be changed by the judge of the court providing the bond schedule, and the magistrate on cases assigned to him in such court, at any time for any specific case. Any of the other judges and the magistrate may change a bond on any individual after court hours regardless of which court the individual is charged in if the bond has not already been reviewed by one of the other judges or magistrate.

**C. OTHER CASES.** The bond on any case that is not on a bond schedule due to the severity and nature of the offense, may be set by any of the judges and the magistrate after regular court hours. The judges of the courts wherein the case is appropriate to be sent should be contacted first. In the event said judge or judges are unavailable, then a judge of either of the other courts or the magistrate may set the bond. Nevertheless, any judge or the magistrate may assign a bond to any individual case regardless of the offense or where the case will be filed provided none of the other judges or the magistrate have previously reviewed said bond and taken action thereon.

**D. TYPES OF BONDS.** The following bonds are approved for the courts of Floyd County: Surety, Cash and Ten (10%) percent Bonds posted in the Clerk's Office (Court Cash Bonds).

## **RULE 15**

### **CASE ASSIGNMENT**

**A. APPLICATION.** In the event a case charges both a felony and a misdemeanor, the case shall be considered a felony for the application of this rule.

**B. MISDEMEANORS.** Generally, all misdemeanors are to be filed in the Floyd County Court; however, the Prosecutor has discretion to file any misdemeanor in the Circuit or Superior Court. When the Prosecutor exercises such discretion and the defendant has a pending case or is on probation in the Circuit or Superior Court, then the case shall be filed in that respective court.

**C. FELONIES.** All misdemeanors that become D felonies as a result of an enhancement statute based upon the commission of a similar prior offense under the Motor Vehicle Code (such as, a second or subsequent drunken driving offense) shall be filed in the Floyd County Court;. All other D felonies; all A, B and C felonies; and all murder cases shall be filed in the Floyd Circuit Court and the Floyd Superior Court on a random basis at a ratio of one (1) case in Circuit Court to two (2) cases in Superior Court. This ratio is based upon the Circuit Court having exclusive jurisdiction of juvenile matters. If a defendant has a pending case or is on probation in the Circuit Court or Superior Court, then a new case involving that defendant shall be filed in that respective

court and equalization shall be accomplished by assignment of subsequently filed causes of action to result in the two-to-one ratio.

## **RULE 16**

### **TRANSFER**

**A. TRANSFER BETWEEN COURTS.** Transfer between the Floyd Circuit Court and the Floyd Superior Court shall be accomplished pursuant to IC 33-5-18.1-13&14, which allows the judges to transfer cases between courts with mutual consent and to sit on any case in either court with mutual consent.

## **RULE 17**

### **RE-FILING AND SUBSEQUENT FILINGS**

**A. RE-FILING AND SUBSEQUENT FILINGS.** When the State of Indiana dismisses a case and chooses to re-file that case, the case shall be assigned to the court from which the dismissal was taken.

## **RULE 18**

### **REASSIGNMENT**

**A. FELONIES.** In the event a change of judge is granted or it becomes necessary to assign another judge in any felony proceeding in the Circuit or Superior Court, the case shall be assigned on an alternate basis to the Judge of the Floyd Superior or Circuit Court whichever was not the Court of original filing, and the Judge of the Scott Superior Court, and a Senior Judge.

**B. MISDEMEANORS.** In the event a change of judge is granted or it becomes necessary to assign another judge in any misdemeanor proceeding in the County Court, the case shall be assigned on an alternate basis to the judge of the Floyd Circuit Court, the judge of the Floyd Superior Court, and one of the judges of the surrounding courts of Harrison Superior, Washington Superior, Clark Superior #3 and a Senior Judge.

## **RULE 19**

### **APPOINTMENT OF SPECIAL JUDGE**

**A. SPECIAL JUDGES.** In the event no judge is available for assignment or reassignment of a felony or misdemeanor case, such case shall be certified to the Indiana Supreme Court for the

appointment of a special judge. In the event the judge presiding in a felony or misdemeanor case concludes that unique circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a special judge, the presiding judge may request the Indiana Supreme Court for such appointment.

## **RULE 20**

### **WARRANTS**

**A. RE-ISSUANCE OF WARRANTS.** All warrants issued for misdemeanors shall be returned to the issuing court six (6) months from issuance date per Indiana Statute. All warrants for felonies shall be returned to the issuing court one (1) year from issuance date. All bench warrants for contempt of court, failure to appear, revocation of probation, etc.; whether felony or misdemeanor, shall be returned to the issuing court one (1) year from issuance date. The court shall then reissue said warrants as it deems necessary.

## **RULE 21**

### **NO CONTACT ORDERS**

**A. FORMS FOR NO CONTACT.** Forms for no contact while out on bond, on pre-trial diversion and on probation are provided in the Appendix.

## **RULE 22**

### **JURY INSTRUCTIONS**

Proposed final instructions, special or pattern, shall be submitted on letter size [8 ½ x 11] paper, double-spaced, with all designations including indications for the Court's disposition placed on the bottom three [3] inches of the instruction.

The parties shall submit a second set of proposed final instructions containing no designation of who submitted them, or other identifying references, and shall contain only the statement of law. This set of jury instructions may be sent with the jury to the jury room for use during deliberations.

## **RULE 23**

### **PRAECIPES/TRANSCRIPTS**

**A. CONTENT.** All praecipes and requests for transcripts shall be in writing and filed with the Clerk of the Court. Such praecipes and requests for transcripts relating to trials by jury shall

not include voir dire, opening statements, and closing statements unless specifically requested.

**B. COSTS.** Costs for a transcript shall be in accordance with Local Civil Rule 19 C. The party requesting a transcript shall obtain an estimate of the cost of the transcript from the Court Reporter and shall pay a deposit equal to one-half of the estimated cost of the transcript before the transcription process is undertaken by the Court Reporter. The remaining estimated cost of the transcript shall be paid upon notification by the Court Reporter to the requesting party that one-half of the transcript has been completed. The actual total cost of the transcript shall be paid in full before the transcript is released to the requesting party. Nevertheless, this provision shall not apply to defendants whom the Court has determined to be indigent and unable to pay for the cost of a transcript.

## **RULE 24**

### **SANCTIONS**

**A. COURT ACTION.** When a party or counsel for a party fails to comply with any of these Local Criminal Rules, the Court, after advising the party of the noncompliance, may direct the Clerk of the Court to refuse to accept the pleadings or papers to be filed, or, if inadvertently accepted for filing, direct that such pleadings or papers be stricken from the record.

# APPENDIX

## **Local Criminal Forms**

1. **Appearance Forms** - (Local Criminal Rule 3)
  - a. For State of Indiana **Form 1**
  - b. For Defendant **Form 2**
  
2. **No Contact Orders** - (Local Criminal Rule 25)
  - a. No Contact Order Upon Release from Custody on Bail or Personal Recognizance **Form 3**
  - b. No Contact Order While on Pretrial Diversion **Form 4**
  - c. No Contact Order While on Probation **Form 5**
  - d. Notice of Termination of Protective Order or Restraining Order **Form 6**

STATE OF INDIANA )  
 ) SS:  
COUNTY OF FLOYD )

IN THE FLOYD \_\_\_\_\_ COURT  
CAUSE NO. \_\_\_\_\_

STATE OF INDIANA

vs

\_\_\_\_\_

**APPEARANCE**  
**(STATE OF INDIANA)**

1. NAME OF CO-DEFENDANTS: \_\_\_\_\_

\_\_\_\_\_

2. CASE TYPE OF PROCEEDING: \_\_\_\_\_

3. PROSECUTING ATTORNEY INFORMATION:

NAME: \_\_\_\_\_ ATTORNEY NO.: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ PHONE: \_\_\_\_\_

\_\_\_\_\_ FAX NO: \_\_\_\_\_

\_\_\_\_\_ COMPUTER ADDRESS: \_\_\_\_\_

DEPUTY ASSIGNED: \_\_\_\_\_

4. WILL THE STATE ACCEPT SERVICE BY:

(a) FAX: YES \_\_\_ NO \_\_\_

(b) COURTHOUSE MAILBOX: YES \_\_\_ NO \_\_\_

5. ARREST REPORT NUMBER (Originating Agency Case Number): \_\_\_\_\_

6. ADDITIONAL INFORMATION: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Prosecuting Attorney or Deputy



STATE OF INDIANA )  
 ) SS:  
COUNTY OF FLOYD )

IN THE FLOYD \_\_\_\_\_ COURT  
CAUSE NO. \_\_\_\_\_

STATE OF INDIANA

vs

**APPEARANCE**  
**(DEFENDANT)**

1. NAME OF CO-DEFENDANTS: \_\_\_\_\_

2. PRO SE: YES \_\_\_\_ NO \_\_\_\_

3. DEFENSE ATTORNEY INFORMATION:

NAME: \_\_\_\_\_ ATTORNEY NO.: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ PHONE: \_\_\_\_\_  
\_\_\_\_\_ FAX NO: \_\_\_\_\_  
\_\_\_\_\_ COMPUTER ADDRESS: \_\_\_\_\_

4. WILL THE DEFENDANT ACCEPT SERVICE BY:

(a) FAX: YES \_\_\_\_ NO \_\_\_\_

(b) COURTHOUSE MAILBOX: YES \_\_\_\_ NO \_\_\_\_

5. ADDITIONAL INFORMATION: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing APPEARANCE was this \_\_\_\_ day of \_\_\_\_\_, 199\_\_, delivered to the Prosecuting Attorney [address] [and, list names and addresses of all other attorneys of record and/or defendants appearing pro se] either in person, or by U.S. Mail- postage prepaid, or by Courthouse Mailbox.

\_\_\_\_\_  
Defendant by Counsel or Pro se

**NO CONTACT ORDER UPON RELEASE FROM  
CUSTODY ON BAIL OR PERSONAL RECOGNIZANCE**

STATE OF INDIANA)  
COUNTY OF FLOYD)

IN THE FLOYD \_\_\_\_\_ COURT  
CAUSE NO: \_\_\_\_\_

STATE OF INDIANA

VS

DEFENDANT

DEFENDANT

NAME: \_\_\_\_\_  
RACE: \_\_\_\_\_  
HOME ADDRESS: \_\_\_\_\_

DOB: \_\_\_\_\_  
SEX: \_\_\_\_\_  
POSTAL ADDRESS: \_\_\_\_\_

HOME TELEPHONE: \_\_\_\_\_  
LOCATION OF PLACE OF BUSINESS  
WHERE DEFENDANT USUALLY OR  
OFTEN FOUND: \_\_\_\_\_

WORK TELEPHONE: \_\_\_\_\_  
ANY SCARS OR TATTOOS? \_\_\_\_\_  
IF YES, WHERE LOCATED: \_\_\_\_\_

The defendant in person, and by counsel(if applicable), and the State of Indiana by the Prosecuting Attorney(or deputy), and the State of Indiana having moved the court for an order restricting the defendant from having contact with the victim or victims in this case; the Court having heard testimony, finds that such an order is necessary to preserve the safety, peace and dignity of the community, as well as the safety of the alleged victim/witness herein. The Court also finds that the Defendant represents a credible threat to the physical safety of the person(s) named below.

As a condition of the defendant's release from custody pending trial, in addition to all other conditions previously ordered:

1. The defendant is ordered to have **no contact with** \_\_\_\_\_  
in person, by telephone or letter, through an intermediary, or in any other way, directly or indirectly; except through an attorney of record, while released from custody pending trial.

2. The defendant **shall not visit** the following locations during the period of release:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. The defendant is ordered to have **no firearms, deadly weapons, or ammunition** in

his/her possession.

4. This order ☐ does ☐ does not involve intimate partners as defined in 18 U.S.C. Sections 921 (a)(32) and 2266.

This order shall remain in effect until this case has been tried and the defendant has been sentenced if found guilty.

**Violation of this order constitutes violations of IC 35-33-8-5, punishable by a revocation of bail or release on personal recognizance, and IC 35-46-1-15.1, a violation of the invasion of privacy law. Further, violation of this order may subject the defendant to federal prosecution.**

**This order is valid in all 50 states, the District of Columbia, tribal lands, and United States Territories.**

#### **ORDER TO LAW ENFORCEMENT OFFICERS**

If you determine that there is probable cause to believe that the defendant is in violation of this order, you are hereby commanded to take the defendant into custody and bring the defendant before this Court at its next convening to show why the defendant should not be held in contempt of Court.

Date: \_\_\_\_\_

JUDGE FLOYD \_\_\_\_\_ COURT

#### **STATEMENT OF DEFENDANT**

I have read the above order. I understand that violation of this order constitutes a violation of IC 35-33-8-5, punishable by a revocation of either my bail or release on my own recognizance, as well as a finding that I am in contempt of Court, as well as facing a possible arrest for Invasion of Privacy pursuant to IC 35-46-1-15.1. A copy of this order has been given to me on the date following: \_\_\_\_\_

\_\_\_\_\_  
Defendant's signature

No contact order while on bail or release on personal recognizance has been sent to the following protective order depositories:

☐ Sheriff of Floyd County

☐ Sheriff of \_\_\_\_\_ County

☐ law enforcement agency of New Albany, where petitioner resides

☐ law enforcement agency of \_\_\_\_\_, where petitioner resides

DATE: \_\_\_\_\_

**Form 3**

CLERK, FLOYD \_\_\_\_\_ COURT

**NO CONTACT ORDER WHILE ON PRETRIAL  
DIVERSION**

STATE OF INDIANA)  
COUNTY OF FLOYD)  
STATE OF INDIANA

IN THE FLOYD \_\_\_\_\_ COURT  
CAUSE NO: \_\_\_\_\_

VS

\_\_\_\_\_  
DEFENDANT

DEFENDANT

NAME: \_\_\_\_\_  
RACE: \_\_\_\_\_ EYES: \_\_\_\_\_ HAIR: \_\_\_\_\_  
HOME ADDRESS: \_\_\_\_\_

DOB: \_\_\_\_\_ SS NO: \_\_\_\_\_  
SEX: \_\_\_\_\_ HEIGHT: \_\_\_\_\_ WT: \_\_\_\_\_  
POSTAL ADDRESS: \_\_\_\_\_

HOME TELEPHONE: \_\_\_\_\_  
LOCATION OF PLACE OF BUSINESS  
WHERE DEFENDANT USUALLY OR  
OFTEN FOUND: \_\_\_\_\_

WORK TELEPHONE: \_\_\_\_\_  
ANY SCARS OR TATTOOS? \_\_\_\_\_  
IF YES, WHERE LOCATED: \_\_\_\_\_

The defendant in person, and by counsel(if applicable), and the State of Indiana by the Prosecuting Attorney(or deputy), the Court finds that the defendant should have no contact with the victim or victims in this case as a condition of pretrial diversion and further finds that such an order is necessary to preserve the safety, peace and dignity of the community, as well as the safety of the alleged victim/witness herein. The Court also finds that the Defendant represents a credible threat to the physical safety of the person(s) named below.

As a condition of the defendant's pretrial diversion, in addition to all other conditions previously ordered:

1. The defendant is ordered to have **no contact with** \_\_\_\_\_  
in person, by telephone or letter, through an intermediary, or in any other way, directly or indirectly; except through an attorney of record, while on pretrial diversion. This includes, but is not limited to, acts of harassment, intimidation or threats.

2. The defendant **shall not visit** the following locations during the period of pretrial diversion: \_\_\_\_\_

3. The defendant is ordered to have **no firearms, deadly weapons, or ammunition** in his/her possession.

4. This order [ ] does [ ] does not involve intimate partners as defined in 18 U.S.C. Sections 921 (a)(32) and 2266.

This order shall remain in effect until pretrial diversion has been terminated or by further order of the court.

**Violation of this order constitutes violations of IC 33-14-1-7, punishable by a revocation of pretrial diversion, and IC 35-46-1-15.1, a violation of the Invasion of Privacy law. Further, violation of this order may subject the defendant to federal prosecution.**

**This order is valid in all 50 states, the District of Columbia, tribal lands, and United States Territories.**

#### **ORDER TO LAW ENFORCEMENT OFFICERS**

If you determine that there is probable cause to believe that the defendant is in violation of this order, you are hereby commanded to take the defendant into custody and bring the defendant before this Court at its next convening to show why the defendant should not be held in contempt of Court.

DATE: \_\_\_\_\_

JUDGE FLOYD \_\_\_\_\_ COURT

#### **STATEMENT OF DEFENDANT**

I have read the order which appears on the front side of this form. I understand that violation of this order constitutes a violation of IC 33-14-1-7, punishable by a revocation of pretrial diversion, as well as a finding that I am in contempt of Court, as well as facing a possible arrest for Invasion of Privacy pursuant to IC 35-46-1-15.1. a copy of this order has been given to me on the date following: \_\_\_\_\_

DEFENDANT'S SIGNATURE \_\_\_\_\_

No contact order while on pretrial diversion has been sent to the following protective order depositories:

[ ] Sheriff of Floyd County

[ ] Sheriff of \_\_\_\_\_ County

[ ] law enforcement agency of New Albany, where petitioner resides

[ ] law enforcement agency of \_\_\_\_\_, where petitioner resides

DATE: \_\_\_\_\_

CLERK, FLOYD \_\_\_\_\_ COURT

## NO CONTACT ORDER WHILE ON PROBATION

STATE OF INDIANA)  
COUNTY OF FLOYD)

IN THE FLOYD \_\_\_\_\_ COURT  
CAUSE NO: \_\_\_\_\_

STATE OF INDIANA

vs

DEFENDANT

DEFENDANT

NAME: \_\_\_\_\_  
RACE: \_\_\_\_\_ EYES: \_\_\_\_\_ HAIR: \_\_\_\_\_  
HOME ADDRESS: \_\_\_\_\_

DOB: \_\_\_\_\_ SS NO: \_\_\_\_\_  
SEX: \_\_\_\_\_ HEIGHT: \_\_\_\_\_ WT: \_\_\_\_\_  
POSTAL ADDRESS: \_\_\_\_\_

HOME TELEPHONE: \_\_\_\_\_  
LOCATION OF PLACE OF BUSINESS  
WHERE DEFENDANT USUALLY OR  
OFTEN FOUND: \_\_\_\_\_

WORK TELEPHONE: \_\_\_\_\_  
ANY SCARS OR TATTOOS? \_\_\_\_\_  
IF YES, WHERE LOCATED: \_\_\_\_\_

The defendant in person, and by counsel(if applicable), and the State of Indiana by the Prosecuting Attorney(or deputy), the Court finds that the defendant should have no contact with the victim or victims in this case as a condition of probation and further finds that such an order is necessary to preserve the safety, peace and dignity of the community. The Court also finds that the Defendant represents a credible threat to the physical safety of the person(s) named below.

As a condition of the defendant's probation, in addition to all other conditions previously ordered:

1. The defendant is ordered to have **no contact with** \_\_\_\_\_  
in person, by telephone or letter, through an intermediary, or in any other way, directly or indirectly; except through an attorney of record, while on probation. This includes, but is not limited to, acts of harassment, intimidation or threats.
2. The defendant **shall not visit** the following locations during the period of probation:  
\_\_\_\_\_  
\_\_\_\_\_
3. The defendant is ordered to have **no firearms, deadly weapons, or ammunition** in his/her possession.
4. This order [ ] does [ ] does not involve intimate partners as defined in 18 U.S.C.

Sections 921 (a)(32) and 2266.

This order shall remain in effect until probation has been terminated or by further order of the Court.

**Violation of this order constitutes violations of IC 35-38-2-2.3, punishable by a revocation of probation, and IC 35-46-1-15.1, a violation of the Invasion of Privacy law. Further, violation of this order may subject the defendant to federal prosecution.**

**This order is valid in all 50 states, the District of Columbia, tribal lands, and United States Territories.**

**ORDER TO LAW ENFORCEMENT OFFICERS**

If you determine that there is probable cause to believe that the defendant is in violation of this order, you are hereby commanded to take the defendant into custody and bring the defendant before this Court at its next convening to show why the defendant should not be held in contempt of Court.

DATE: \_\_\_\_\_

\_\_\_\_\_  
JUDGE FLOYD \_\_\_\_\_ COURT

**STATEMENT OF DEFENDANT**

I have read the order which appears on the front side of this form. I understand that violation of this order constitutes a violation of IC 35-38-2-3, punishable by a revocation of probation, as well as a finding that I am in contempt of Court, as well as facing a possible arrest for Invasion of Privacy pursuant to IC 35-46-1-15.1. a copy of this order has been given to me on the date following: \_\_\_\_\_

\_\_\_\_\_  
DEFENDANT'S SIGNATURE

**No contact order while on probation** has been sent to the following protective order depositories:

[ ] Sheriff of Floyd County

[ ] Sheriff of \_\_\_\_\_ County

[ ] law enforcement agency of New Albany, where petitioner resides

[ ] law enforcement agency of \_\_\_\_\_, where petitioner resides

DATE: \_\_\_\_\_

\_\_\_\_\_  
CLERK, FLOYD \_\_\_\_\_ COURT

**NOTICE OF TERMINATION OF  
PROTECTIVE ORDER OR  
RESTRAINING ORDER**

STATE OF INDIANA  
COUNTY OF FLOYD

IN THE FLOYD \_\_\_\_\_ COURT  
CAUSE NO: \_\_\_\_\_

\_\_\_\_\_  
PETITIONER

VS

\_\_\_\_\_  
RESPONDENT

**NOTICE IS HEREBY GIVEN THAT AN ORDER PREVIOUSLY  
ISSUED UNDER THE PROVISIONS OF IC 5-2-9 HAS BEEN  
TERMINATED**

(1) **PERSON PROTECTED:** (PETITIONER)  
NAME: \_\_\_\_\_  
AGE: \_\_\_\_ SS NO: \_\_\_\_\_ DOB: \_\_\_\_\_

DOES THE PROTECTED PERSON  
LIVE WITHIN A MUNICIPALITY?  
IF YES, NAME \_\_\_\_\_

(2) **PERSON RESTRAINED:** (RESPONDENT)  
NAME: \_\_\_\_\_  
AGE: \_\_\_\_ SS NO: \_\_\_\_\_ DOB: \_\_\_\_\_  
HOME ADDRESS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TELEPHONE NO: HOME: \_\_\_\_\_  
WORK: \_\_\_\_\_  
LOCATION OF PLACE OF BUSINESS  
OR WHERE PERSON USUALLY OR  
OFTEN FOUND: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(3) **REASON FOR TERMINATION:**

- ☐ EXPIRATION OF ONE YEAR OR OTHER TIME PROVIDED IN THE ORDER  
☐ ENTRY OF FINAL DECREE OF DISSOLUTION, FILED \_\_\_\_\_  
☐ NEW PROTECTIVE ORDER ISSUED IN DISSOLUTION DECREE THEREBY  
TERMINATING THE TEMPORARY RESTRAINING ORDER  
☐ DISMISSAL OF ACTION (COPY OF DISMISSAL OR CCS ATTACHED)  
☐ ORDER (ORDER MUST BE ATTACHED)  
☐ PROTECTIVE ORDER HEARING HELD, EMERGENCY PROTECTIVE ORDER HAS  
BEEN TERMINATED, AND NEW PROTECTIVE ORDER IS BEING ISSUED

(4) **DATE ORDER WAS ISSUED:** \_\_\_\_\_

(5) **DATE ORDER WILL TERMINATE:** \_\_\_\_\_



(6)TYPE OF ACTION:

- ☐ TEMPORARY RESTRAINING ORDER: DISSOLUTION OF MARRIAGE(IC 31-15-4-3)  
    ☐ ABUSING, HARASSING, DISTURBING THE PEACE(IC 31-15-4-3(2))  
    ☐ EXCLUSION FROM DWELLING(IC 31-15-4-3(3))  
☐ JUVENILE COURT DISPOSITIONAL DECREE(IC 31-34-20-1 or IC 31-37-19-1,6)  
☐ JUVENILE COURT ORDER(IC 31-3-2-13)  
☐ PRETRIAL DIVERSION(IC 33-14-1-7)  
☐ EMERGENCY PROTECTIVE ORDER(IC 34-26-2-6)  
☐ PROTECTIVE ORDER(IC 34-4-5.1-5 or IC 31-26-2-12)  
☐ PRETRIAL RELEASE CONDITION OF BAIL(IC 35-33-8-3.2)  
☐ CONDITION OF PROBATION(IC 35-38-2-2.3)

(7)PREPARED BY:

**NOTICE TO PETITIONER--THE ADDRESS LISTED HERE IS FOR SERVICE ON THE PETITIONER AND THE ADDRESS LISTED HERE WILL NOT BE KEPT CONFIDENTIAL. IF THIS IS PRO SE, THE PETITIONER MAY USE AN ALTERNATE ADDRESS THAN THE ONE USED ON THE CONFIDENTIAL FORM.**

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
CITY: \_\_\_\_\_  
TELEPHONE: \_\_\_\_\_  
ATTORNEY NO.(IF APPLICABLE): \_\_\_\_\_

(8)FOR USE BY THE CLERK OF COURT

**Notice of termination** has been sent to the following protective order depositories:

- ☐ Sheriff of Floyd County  
☐ Sheriff of \_\_\_\_\_ County  
☐ law enforcement agency of New Albany, where petitioner resides  
☐ law enforcement agency of \_\_\_\_\_, where petitioner resides

DATE: \_\_\_\_\_

CLERK, FLOYD \_\_\_\_\_ COURT